

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LELONE TUCKER, et al.,

Case No. 1:18-cv-821

Plaintiff,

vs.

Black, J.
Bowman, M.J.

SPRINGFIELD TOWNSHIP
POLICE DEPT., et al.,

Defendants.

REPORT AND RECOMMENDATION

On November 26, 2018, Plaintiff, proceeding pro se, filed this lawsuit on behalf of herself and her son Jermaine Tucker, listing several allegations under 42 U.S.C. § 1983, all in connection with a fatal car accident involving her son on September 20, 2017. On March 5, 2019, Defendant Hamilton County Coroner filed a motion to dismiss. (Doc. 7). Plaintiff failed to file any timely response.

Thereafter, on April 11, 2019, the undersigned ordered Plaintiff to “show cause” on or before May 2, 2019 why the Defendant’s motion to dismiss should not be construed as unopposed and granted for the reasons stated. (Doc. 11). The Order explicitly stated: “[f]ailure to timely comply with this Order will result in a Report and Recommendation to the District Judge that the pending motion be granted.” (Doc. 11). To date, Plaintiff has not complied with the Court’s Order and has not filed any response to Defendant’s motion to dismiss.

Accordingly, **IT IS RECOMMENDED THAT** Defendant Hamilton County Coroner motion to dismiss (Doc. 7) be granted, and Plaintiff’s claims against it **DISMISSED** for the reasons stated in the pending motion. Namely, that Plaintiffs have failed to properly plead

sufficient facts to support a plausible claim, that the Coroner is entitled to immunity under the Eleventh Amendment, and that the Coroner is entitled to qualified immunity. The Coroner makes well-founded arguments and such arguments that are herein adopted by the undersigned. In addition, Plaintiff's claims against Defendant Hamilton County Coroner should also be dismissed based upon Plaintiff's failure to comply with the Court's "show cause" order and failure to prosecute.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).